

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW CASTANEDA,

Plaintiff,

v.

BARTON, *et al.*,

Defendants.

No. 1:20-cv-01088-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. No. 12)

Plaintiff Matthew Castaneda is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 3, 2021, the assigned magistrate judge screened plaintiff's first amended complaint and found that plaintiff stated a cognizable claim for unconstitutional conditions of confinement in violation of the Eighth Amendment against Defendant Sherman. (Doc. No. 12.) The magistrate judge further recommended that all other claims and defendants be dismissed from this action based on plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 8.) No objections have been filed, and the time to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings

and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on September 3, 2021, (Doc. No. 12), are adopted in full;
2. This action shall proceed on plaintiff's first amended complaint, filed August 23, 2021, (Doc. No. 10), against defendant Sherman for unconstitutional conditions of confinement in violation of the Eighth Amendment;
3. All other claims and defendants are dismissed from this action for failure to state claims upon which relief may be granted; and
4. This action is referred back to the magistrate judge for proceedings consistent with this order.

IT IS SO ORDERED.

Dated: October 6, 2021


UNITED STATES DISTRICT JUDGE